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Attorneys for Alina Hua; Chin Lin Hua; and Christine Waage

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

CENTURIA FOODS, INC.,

Debtor.

Case No. 21-50046-btb
Chapter 11

**EX PARTE APPLICATION FOR 2004
EXAMINATION OF DEBTOR
CENTURIA FOODS, INC.**

Judge: Hon. Bruce T. Beesley

Pursuant to FRBP 2004 and LR 2004, Secured Creditors Alina Hua (“A. Hua”), Chin Lin Hua (“C. Hua”), and Christine Waage (“C. Waage” and collectively with A. Hua and C. Hua, the “Secured Creditors”), by and through counsel, Richard F. Holley, Esq. and Andrea M. Gandara, Esq. of the law firm Holley Driggs, apply for an order directing Debtor Centuria Foods, Inc. (the “Debtor”) to appear for examination regarding Debtor’s acts, conduct, property or the liabilities and financial condition, or any other matters which may affect the administration of the Debtor’s estate.

This Ex Parte Application for 2004 Examination of the Debtor (the “Application”) is made and based upon the following Memorandum of Points and Authorities, the Declaration of Andrea M. Gandara, Esq. in support of the Application (the “Gandara Declaration”), filed separately and concurrently herewith as required under LR 9014(c)(2), and the pleadings and papers on file herein.

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1 A copy of the proposed Order granting the Application is attached hereto as **Exhibit 1**.

2 Dated this 31st day of March, 2021.

HOLLEY DRIGGS

3
4 /s/Andrea M. Gandara

5 Richard F. Holley, Esq. (NV Bar No. 3077)
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Las Vegas, Nevada 89101

7 *Attorneys for Alina Hua, Chin Lin Hua, and*
8 *Christine Waage*

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MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

1. On January 20, 2021, Debtor filed a Chapter 11 Voluntary Petition [ECF No. 1].

2. Secured Creditors timely filed their Proofs of Claims in the amount of \$601,695.75 for C. Waage, \$330,945.75 for A. Hua on March 5, 2021, and \$421,195.75 for C. Hua on March 8, 2021 (collectively, the “Proofs of Claim”). *See* Claims 3-1, 4-1, and 5-1 respectively.

3. Through this Application, Secured Creditors seek to examine Debtor regarding its acts, conduct, or property or to the liabilities and financial condition, matters which may affect the administration of the Debtor’s estate, the Debtor’s right to a discharge, the operation of business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the Debtor for purposes of consummating a plan and the consideration given or offered therefor, and other matters relevant to the case or to the formulation of a Chapter 11 plan. *See* Gandara Declaration at ¶ 4.

4. Secured Creditors will confer with the Debtor regarding the time, place, and date for examination pursuant to FRBP 2004. If no such agreement is reached, Secured Creditors will schedule the examination on no less than fourteen (14) days’ notice from the date of filing this Application. *See* Gandara Declaration at ¶ 5.

II. LEGAL AUTHORITY

A. Secured Creditors Are Entitled Examine the Debtor Pursuant to FRBP 2004.

Rule 2004 of the Federal Rules of Bankruptcy Procedure provides, “[o]n motion of any party in interest, the court may order the examination of any entity. FED. R. BANKR. P. 2004(a). Regarding the scope of examination, the rule further provides in relevant part:

The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the **acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.** In a family farmer’s debt adjustment case under chapter 12, an individual’s debt adjustment case under chapter 13, or a reorganization case under chapter 11 of the Code, other than for the reorganization of a railroad, the examination may also relate to **the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given**

1 **or offered therefor, and any other matter relevant to the case or**
 2 **to the formulation of a plan.**

3 FED. R. BANKR. P. 2004(b) (emphasis added).

4 Additionally, LR 2004(b) allows for the Clerk of the Court's issuance of an Order for 2004
 5 examination if the date set for examination is more than fourteen (14) days from the date the
 6 motion is filed.

7 The requested discovery from Debtor is within the scope of examination permitted under
 8 FRBP 2004 as it relates to the Debtor's acts, conduct, or property or to the liabilities and financial
 9 condition, matters which may affect the administration of the Debtor's estate, the Debtor's right
 10 to a discharge, the operation of business and the desirability of its continuance, the source of any
 11 money or property acquired or to be acquired by the Debtor for purposes of consummating a plan
 12 and the consideration given or offered therefor, and other matters relevant to the case or to the
 13 formulation of a Chapter 11 plan.

14 Further, this Application is being filed more than fourteen (14) prior to the date set for the
 15 examination. Accordingly, the Clerk is authorized to issue an Order granting this Application.

16 **III. CONCLUSION**

17 Secured Creditors respectfully request that the Court order the Debtor to appear for
 18 examination pursuant to FRBP 2004 at a time, place, and date to be mutually agreed upon by the
 19 parties. If no such agreement is reached, Secured Creditors will schedule the examination on no
 20 less than fourteen (14) days' notice.

21 Dated this 31st day of March, 2021.

22 **HOLLEY DRIGGS**

23 /s/Andrea M. Gandara

24 Richard F. Holley, Esq. (NV Bar No. 3077)
 25 Andrea M. Gandara, Esq. (NV Bar No. 12580)
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 Las Vegas, Nevada 89101

26 *Attorneys for Alina Hua, Chin Lin Hua, and*
 27 *Christine Waage*
 28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Holley Driggs, and that on the 31st day of March, 2021, I caused to be served a true and correct copy EX PARTE APPLICATION FOR 2004 EXAMINATION OF DEBTOR CENTURIA FOODS, INC. in the following manner:

☒ (ELECTRONIC SERVICE Under Local Rule 5005 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written.

/s/Madeline VanHeuvelen
An employee of Holley Driggs

HOLLEY DRIGGS

EXHIBIT 1

HOLLEY DRIGGS

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**UNITED STATES BANKRUPTCY COURT
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IN RE:

CENTURIA FOODS, INC.,

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CHAPTER 11

**ORDER GRANTING EX PARTE
APPLICATION FOR 2004
EXAMINATION OF DEBTOR
CENTURIA FOODS, INC.**

Judge: Hon. Bruce T. Beesley

Upon review of the Ex Parte Application for 2004 Examination of the Debtor (the “Application”) filed by Secured Creditors Alina Hua, Chin Lin Hua, and Christine Waage (collectively, the “Secured Creditors”) and good cause appearing therefore,

IT IS HEREBY ORDERED that Application is approved; and

IT IS FURTHER ORDERED that Debtor Centuria Foods, Inc. shall appear for appear for examination under oath before a certified court reporter pursuant to FRBP 2004, as set forth in subpoena to be issued pursuant to FRBP 9016, at the time, place, and date to be mutually agreed

upon by the parties or, if no such agreement is reached, on no less than fourteen (14) calendar days' written notice, as to any matter permitted by FRBP 2004, including but not limited to the matters specifically enumerated in the Application.

IT IS SO ORDERED.

HOLLEY DRIGGS

/s/ Andrea M. Gandara

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